

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KAREN SINCLAIR, individually and
as Guardian Ad Litem for K.S. and J.A.,
minor children; and JULIAN AL-
GHAMDI

Plaintiffs,

v.

CITY OF GRANDVIEW, a municipal
corporation in the State of Washington,
et al.,

Defendants.

NO: CV-12-3041-RMP

ORDER DENYING DEFENDANT
MARK NEGRETE'S MOTION TO
JOIN CITY AND COUNTY
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

BEFORE THE COURT is Defendant Mark Negrete's motion to join the motion for summary judgment filed by co-Defendants City of Grandview, Michael Akins, Kal Fuller, John Arraj, Rick Abaraca, Mitch Fairchild, Kevin Glasenapp, Travis Shephard, Seth Bailey, Robert Tucker and Therese Murphy ("City and County Defendants"), ECF No. 110. The motion was heard without oral argument. The Court has reviewed the briefing and the record and is fully informed.

ORDER DENYING DEFENDANT MARK NEGRETE'S MOTION TO JOIN
CITY AND COUNTY DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT ~ 1

1 Plaintiffs' amended complaint asserts several causes of action arising from
2 Defendants' conduct in obtaining and executing a search warrant for Plaintiffs'
3 residence and in detaining and prosecuting Karen Sinclair and Julian Al-Ghamdi.
4 Plaintiffs stated multiple causes for alleged violations of their civil rights against
5 Defendants the City of Grandview, Washington; the Law Enforcement Against
6 Drugs ("L.E.A.D.") Task Force of Yakima County; prosecutor Therese Murphy;
7 and law enforcement officers Michael Akins, Kal Fuller, John Arraj, Rick Abacara,
8 Mitch Fairchild, Kevin Glasenapp, Travis Shephard, Seth Bailey, Robert Tucker,
9 Albert Escalera, and Mark Negrete. Plaintiffs further alleged an action for
10 malicious prosecution against Therese Murphy and Michael Akins, and an action
11 for denial of familial relationships against Detective Atkins alone. Plaintiffs also
12 asserted a § 1983 claim against City of Grandview under *Monell v. Department of*
13 *Social Services*, 436 U.S. 658 (1978). ECF No. 3.

14 The City and County Defendants filed a motion for summary judgment on
15 all of Plaintiffs' claims against them on January 31, 2013. ECF No. 79. The City
16 and County Defendants' arguments in favor of summary judgment are highly fact-
17 specific and generally turn on the individual actions of each of the officers
18 involved in the L.E.A.D. Task Force.

19 Defendant Negrete is a City of Selah Police Officer who was assigned to
20 serve on the L.E.A.D. Task Force and participated in executing the search warrant

1 on Plaintiffs' home. On February 27, 2013, Defendant Negrete moved to join the
2 City and County Defendants' motion for summary judgment and to adopt the City
3 and County Defendant's statement of material facts and memorandum in support
4 of summary judgment. ECF No. 110. Defendant Negrete additionally filed a
5 declaration setting forth his involvement in the investigation of Plaintiff Julian Al-
6 Ghamdi and subsequent execution of the search warrant on Plaintiffs' home. ECF
7 No. 111. Defendant Negrete set March 29, 2013, as the hearing date for his
8 motion to join.

9 However, the Court finds that Defendant Negrete's motion does not comply
10 with Federal Rule of Civil Procedure 7(b), Local Rule 7.1, and Local Rule 56.1.
11 Defendant Negrete has not provided adequate legal argument or explained how the
12 facts specific to him fit within the arguments offered by the City and County
13 Defendants. Although Defendant Negrete has submitted a declaration supporting a
14 set of facts, he has not explained how the law would apply to the facts. This leaves
15 the Court and Plaintiffs to speculate how Defendant Negrete believes the facts he
16 has stated are legally important within the framework of the City and County
17 Defendants' arguments in favor of summary judgment.

18 Neither Plaintiffs nor the Court can be expected to fill in the contours of
19 Defendant Negrete's legal argument. If Defendant Negrete wishes to move for
20 summary judgment, he must do so on his own motion fully setting forth legal

1 argument specific to his own particular facts. The dispositive motion deadline is
2 **June 14, 2013.** ECF No. 30.

3 Accordingly, **IT IS HEREBY ORDERED** that Defendant Negrete's
4 motion to join the City and County Defendants' motion for summary judgment,
5 **ECF No. 100**, is **DENIED**.

6 The District Court Clerk is directed to enter this Order and provide copies to
7 counsel.

8 **DATED** this 11th day of April 2013.

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10 *s/ Rosanna Malouf Peterson*
11 ROSANNA MALOUF PETERSON
12 Chief United States District Court Judge
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